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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,407	01/15/2004	Poppy Mussallem	POP-101	6093

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,407

Applicant(s)

MUSSALLEM ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second office action for application number 10/758,407, Stand-off for Supporting Art and Other Objects, filed on January 15, 2004.

Response to Amendment

Applicant's sheet 3 of the replacement drawings submitted on November 1, 2004 was inadvertently misplaced by the office and was omitted from the scanned file, please resubmit a copy of sheet 3 of the replacement drawings in response to this office action.

Drawings

The drawings are objected to because the lead lines for reference numbers "90," in Fig. 1A; "120," in Figs. 1B and 2B, "140," in Figs. 1C and 2A, and "100" in Fig. 2C, should be curved or straight leads lines or lead lines with an arrow on end; reference number "100" in Fig. 4A does not have a lead line; and reference number "100" in Fig. 4A appears to be referring to the same element as reference number "120". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

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Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "152," in Fig. 1C. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: reference number "150" refers to a screw/nail on page 12, line 9, however, the reference numbers does not refer to a nail/screw in Fig. 1C of the drawings.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informality: in line 4, --portion-- should be inserted after "plate". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,529,799 to Schaefer. Schaefer discloses a stand-off system for providing fixed, vertical orientation of artwork (70) or other objects parallel to a vertical surface (60), the system comprising: a bracket (40) having a portion (42) for coupling the bracket to the vertical surface and a vertical mounting plate portion (52), the mounting plate having a shaped opening (54) positioned along an upper edge surface of the mounting plate portion; a stem portion (20) having a mounting surface (22) for rigidly mounting the stem portion onto the artwork, the stem portion further comprising a body portion and flat head portion (28) separated by a shaped neck portion (@32), the head

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and neck portions defining a flange shaped to precisely register with the shaped opening and thereby maintain a predetermined orientation of the artwork or other objects; in which the opening along the upper edge surface of the mounting plate portion of the bracket is round and the shaped neck portion has a corresponding round shape; in which the bracket is formed of a plastic material; in which the stem portion is machined from a single piece of material; in which the stem portion is formed by injection molding; and wherein the portion for coupling the bracket to the vertical surface and the vertical mounting plate portion are connected by side plate portions (48).

In regards to claim 10, Schaefer inherently teaches the method for providing fixed, vertical orientation of artwork (70) parallel to a vertical surface (60), comprising the steps of: obtaining a bracket; obtaining a stem portion; coupling the bracket to the vertical surface; mounting the stem portion onto the artwork; and interconnecting the stem portion and the bracket by registering the flange with the shaped opening.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer. Schaefer discloses the claimed invention except for the limitations of the opening and the neck portion having a rectangular, square, or V shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the shapes of the opening and the neck portion to have been

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rectangular, square, or V shaped for the purpose of providing an aesthetically different appearance to the elements and since such modifications would have not produced any unexpected results.

Response to Arguments

Applicant's arguments filed November 1, 2004 have been fully considered but they are not persuasive. The rejections advanced against the claims stand.

In regards to the drawings, underlined reference characters are used to represent a surface or cross-section, reference characters used to designate an element or feature should be represented by a straight or curved line originating in the immediate proximity of the reference character and extending to the feature indicated. Arrows may be used at the ends of the line to indicate the entire section towards which it points, to indicate the surface shown by the line looking along the directions of the arrow, or to indicate directions of movement.

In response to applicant's argument that Schaefer fails to teach a stand-off system having a shaped neck portion of the extending stem stand-off portion registering matchingly with the vertical mounting plate portion of the mounting bracket portion, the forward portion (21) and the locking head (24) in Schaefer are one unit connected by screw (26), reference number 21 has a neck at reference number 32. The examiner notes that Schaefer teaches separate pieces which require assembly, however, the separate pieces in Schaefer can form a unit and thus are unitary, the neck groove (32) rest on the bracket, see Fig. 4.

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In response to applicant's arguments that the vertical plate and the mounting surface portions in Schaefer do not form a rectangular channel, the shape of the channel does not provide any unexpected results to the claimed invention and thus it would have been obvious to one having ordinary skill in the art to change the shape of the channel for the purpose of providing a aesthetically different appearance to the bracket.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the head of the stem portion is shaped closely to the shoulder portion of the stem stand-off; the head of the stem is formed integrally with the stem; the vertical plate and the mounting surface portions are parallel; the system allowing for no rotational movement; and using more than one system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

January 18, 2005